



## ILLINOIS COMMERCE COMMISSION

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November 13, 2006

Union Pacific Railroad Company,  
Petitioner,

Vs.

City of Benton,  
Respondent.

Petition for an Order authorizing closure of a grade crossing at the  
intersection of Petitioner's tracks and 1<sup>st</sup> Street crossing (431 101B).

Mr. Roy Farwell  
Union Pacific Railroad Company  
100 North Broadway, Suite 1500  
St. Louis, MO 63102

Dear Mr. Farwell:

Receipt is acknowledged of the original and two (2) copies of the Petition filed November 13, 2006 in the above matter.

**All future correspondence/pleadings should be filed with an original and two (2) copies and addressed to: Mr. Dave Lazarides, Acting Director of Processing, Illinois Commerce Commission, 527 East Capitol Avenue, Springfield, IL 62701 or you may file the original electronically through E-docket if you have an account. To apply for an account, please log on to [www.icc.illinois.gov](http://www.icc.illinois.gov) and apply for an E-docket account.**

Processing and Information Section

KI

Cc: Mr. Mack Shumate, Jr., UP  
CT Corporation System, UP  
Mr. Dave McKernan, UP  
Mr. Gary Kraft, City of Benton, Mayor  
Mr. Michael Malkovich, City of Benton, Clerk

ORIGINAL

STATE OF ILLINOIS  
ILLINOIS COMMERCE COMMISSION

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NOV 13 2006

Illinois Commerce Commission  
RAIL SAFETY SECTION

UNION PACIFIC RAILROAD COMPANY,

Petitioner,

vs.

CITY OF BENTON,

Respondent.

Petition for an Order Authorizing Closure of a Grade  
Crossing at the Intersection of Petitioner's Tracks  
and 1<sup>st</sup> Street Crossing (431 101B).

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) No.

706-0097

**PETITION**

Petitioner Union Pacific Railroad Company represents to the Commission as follows:

1. Petitioner is a Delaware corporation engaged in the business of a common carrier freight railroad. Petitioner owns and operates railroad tracks and equipment in the State of Illinois, including the City of Benton and is authorized to do business in the State of Illinois.
2. The City of Benton is a political subdivision of the State of Illinois and maintains certain streets within its limits.
3. Petitioner owns and operates a single main line of railroad track running in a generally east - west direction through the City of Benton, which line is part of its Mt. Vernon Subdivision. Petitioner operates an average of 17 freight trains a day on this section of track, at a maximum timetable speed of 30 mph.

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NOV 13 2006

4. 1<sup>st</sup> Street is a public street maintained by City of Benton and crosses over Union Pacific single main line track at a 90 degree angle at grade at approximate railroad milepost 298.71 of Petitioner's Mt. Vernon Subdivision. This grade crossing ("Subject Crossing") has been given DOT number 431 101B.

5. A copy of a portion of a state highway map, with an arrow designating the general area of interest, is attached as Exhibit 1. A copy of a close-up detailed map showing the area of interest with the Subject Crossing marked in red, is attached as Exhibit 2.

6. 1<sup>st</sup> Street is a chip and seal road approximately 15 feet wide. It has an official vehicular count averaging fewer than 150 cars per day, with most traffic consisting of private automobiles with a few trucks. There are no posted speed limits.

7. The subject crossing is 24 foot wide built from sectional timbers. It is equipped with crossbuck signs and yield signs on each side. 1<sup>st</sup> Street crosses the tracks in a curved portion of the track. Trees off the right-of-way impair the driver's view of trains.

8. The accident history at the Subject Crossing shows that there was one injury train-vehicle collision at the crossing in 2001.

9. Petitioner's annual maintenance at the crossing is approximately \$500 per year. The responsibility for maintaining the approaches lies with the City of Benton.

10. The public crossings on either side of the 1<sup>st</sup> Street crossing are:

(a) Main Street/IL SR 37. This roadway is maintained by the City of Benton and crosses Petitioner's right-of-way and tracks at grade (DOT No. 431102H) approximately .08 miles east of the Subject Crossing. Main Street/IL SR 37 is a 36 foot wide asphalt roadway with an un-posted speed limit. The crossing surface is 50 feet wide and made of concrete. The Main

Street/IL SR 37 crossing has an estimated daily traffic count of approximately 8100 vehicles per day including some trucks, school buses and hazardous material trucks. Main Street/IL SR 37 is equipped with cantilevered flashing lights, signals and gates.

(b) South Pope Street. This roadway is maintained by the City of Benton and crosses Petitioner's right-of-way and tracks at grade (DOT No. 431099C) approximately .13 miles west of the Subject Crossing. South Pope Street is a 24 foot wide asphalt roadway with an un-posted speed limit. The crossing surface is 30 feet wide and made of concrete. The Pope Street crossing has an estimated daily traffic count of approximately 450 vehicles per day. Pope Street is equipped with two mounted flashing light signals.

11. All costs of this proposed project would be borne entirely by Union Pacific Railroad Company.

12. Adverse travel due to the closure of the Subject Crossing would result under this proposal in having to detour .25 miles from one side of the Subject Crossing to the other via the Main Street crossing to the east.

13. Emergency services would not be significantly impacted by the closure of the subject crossing, as they will have to travel only an additional .25 miles in distance.

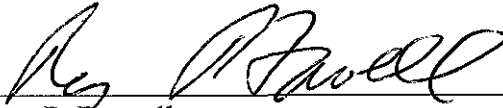
14. The changes would be in the interest of public convenience and safety.

WHEREFORE, based on the above, Petitioner requests that the Commission conduct such investigation and hearings as are proper and issue an Order authorizing the following:

(a) Closure and demolition of the existing 1<sup>st</sup> Street grade crossing with installation of appropriate barricades;

- (b) All costs of the above to be assessed to Union Pacific Railroad Company;
- (c) Such other relief as is deemed appropriate

UNION PACIFIC RAILROAD COMPANY

BY:   
Roy P. Farwell  
100 North Broadway, Suite 1500  
St. Louis, MO 63102  
Telephone: (314) 331-0566  
Facsimile: (314) 331-0564

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a copy of the foregoing was mailed first class mail, postage prepaid, this 24<sup>th</sup> day of November, 2006, to:

The Honorable Gary Kraft  
Mayor, City of Benton  
500 West Main Street  
Benton, IL 62812

